

REMARKS

Claim objections

The applicant respectfully believes the examiner is mistaken regarding the numbering of the claims. The published PCT application contained 10 claims, but the PCT claims were amended on 05/13/2005 to contain claims 1-9. These 9 claims were the basis for the IPER, and are listed in the PAIR database in the file wrapper. In the amendment of 5/28/2009 claim 9 was amended and claims 2, 4 and 6 were cancelled. In the amendment of 02/09/2010, claims 3, 5 and 7 were cancelled, claim 8 and 9 were identified as “previously presented”, and new claims 10 and 11 were introduced for the first time. Accordingly, claims 1, 8, 9, 10 and 11 are pending, and claims 2-7 are cancelled.

Claim rejections 35 USC §112

Regarding the claim rejection under 35 USC § 112, claim 1 has been amended and is now directed towards a lifting system which includes the implement carrier and the lifting device. The phrase “the stationary part” in claim 1 has been corrected to “a stationary part”.

Regarding the term “telescoped”, there are two embodiments of the invention for releasing the object. The first embodiment is described on page 5, line 2-8 in the application (PCT-application) and shown in figures 1 and 2. In this embodiment the fork structure is extended outwards in order to rotate the guide part between a position where the object is secured and to a position where the object is released. The second embodiment is described on page 5, line 32 – page 6, line 2 in the application (PCT-application) and shown in figures 7 and 8. In the second embodiment the fork structure is telescoped inwards in order to rotate the guide part between a position where the object is secured and to a position where the object is released. Hence, the telescoping fork structure causes the guide part to rotate when the fork structure is telescoped in a direction where the guide part is rotated from the position where the object is secured to the position where the object is released (i.e. telescoping

outwards in the first embodiment and inwards in the second embodiment). This is believed now be reflected in claim 1, and it should now be clear in which direction the fork structure telescopes during release of the object in the two embodiments. Claim 1 is therefore believed to be clear. Basis for the amendments may be found in the passages and the figures mentioned above.

Claim rejections 35 USC §103

Claim 1 has been amended to include that the object to be lifted is of a white goods type and that the claimed invention is used to stack the objects in addition to lifting and moving them. Basis for this amendment can be found on page 1, line 12-22 of the present application (PCT-application).

The Examiner argues that the claimed invention, as defined in claim 1, would have been obvious for a skilled person in the art having knowledge of Kristensen (US 6,024,529), Smith (US 3,014,751) and Miller (US 3,881,617). The Applicant respectfully disagrees.

Kristensen does not disclose a lifting device with a fork structure which can be telescoped. The lifting device disclosed in Kristensen is vacuum based and utilizes an electronic device to control a release valve which, when it is opened, will remove the vacuum from the suction cups holding the object being moved or lifted.

Smith discloses a magnetic device with a pivotable, hand operated lever which releases the magnetic device from a surface to which the magnetic device is attached. The magnetic device is intended for use with magnetic sheet material, for example iron plates.

Miller discloses a hopper lifting device including: *"A lanyard or rope 35 tied to the upper end of the lever 34 and secured in a convenient location on the lift truck 11 provides that the operator of the lift truck may readily actuate the latch mechanism by pulling upon the lanyard 35"*, see col. 3, line 40-44. Furthermore, in column 4, line 13-18, it is stated that *"On reaching the location where the material is to be deposited, the lanyard 35 is pulled and this will dis-engage the latch mechanism. The bias of the hopper 14 containing the material is such that by force of gravity the hopper will tilt forwardly to the position shown*

in FIG. 2 and the material dumped therefrom". From this two passages quoted above, it should be clear that the release mechanism is manually operated by the driver of the truck and the hopper is released and emptied due to the gravitational forces acting on the hopper and the material contained in the hopper. The Examiner claims that "*movement of the carriage along the said mast will cause the line to become taut and thereby cause the lever to pivot thereby releasing the holder from a latch.*". This is clearly wrong as can be seen from the first passage quoted above wherein it is clearly stated that the latch mechanism is actuated by the driver pulling upon the lanyard. In other words, the movement of the carriage does *not* cause actuation of the latch mechanism.

By attaching the magnetic device disclosed in Smith to the lifting device disclosed in Kristensen instead of the vacuum based suction cups, and attaching the lanyard disclosed in Miller to the handle of the magnetic device disclosed in Smith, a skilled person would still not arrive at the claimed invention. The release system would still be manually operated by a person who would have to pull the lanyard in order to release an object from the magnet. Furthermore, there is nothing disclosed in any of the cited publications that would prompt a skilled person in the art to provide the lifting device disclosed in Kristensen with a telescoping fork structure and then provide a fixed connection between a stationary part of the fork structure and the guide part (= handle disclosed in Smith) as claimed.

The Examiner argues that the claimed invention, as defined in claim 1, would have been obvious for a skilled person in the art having knowledge of Kristensen (US 6,024,529), Smith (US 3,014,751) and Miller (US 3,881,617). The Applicant respectfully disagrees.

Kohler also discloses a material handling device wherein a carriage mounted to a forklift and arranged to move up and down in a vertical direction. The carriage is provided with forks for lifting a bin containing material to be dumped. There is also provided a cable 48 which is attached to the cable arm 43 and the fork lift truck. When the carriage is elevated, the cable pulls on the cable arm whereby the bin is rotated and the material contained in it is dumped. It should be noted that the release mechanism works by elevating the forks. It should be noted that Koehler does not disclose a telescoping fork structure, and the release mechanism disclosed by Koehler is therefore not related to a telescoping movement of the fork structure. The fork arms 14, 15 moving up and down the hoist frame 12 in Koehler is *not* a telescoping structure.

If a skilled person combines the lifting device of Kristensen with a magnetic device disclosed in Smith and the automatic release system disclosed in Koehler, he or she would not arrive at the claimed invention. The resulting device would be a forklift with magnets and a release system that would release the object when it has been lifted to a certain height. This is fine when the intention is to empty a bin which must be raised to a certain height in order to rotate such that the contained material may be dumped. This is however not a suitable solution when transporting objects of the white goods type as claimed by the Applicant.

A skilled person in the art, combining the devices disclosed in Kristensen, Smith and Koehler, as suggested by the Examiner, would arrive at a lifting system where the white goods object would be released when it is lifted to a certain height. Obviously, a skilled person in the art would not consider using such a release system when the aim is to transport and stack white goods objects. A white goods object which is to be placed on the ground will not be released, while a white goods object which is to be stacked on top of one, two or more other white goods objects may be released in mid air. A skilled person would therefore not be able to arrive at the claimed invention by combining features disclosed in Kristensen, Smith and Koehler.

It should also be mentioned that neither Miller nor Koehler discloses that the object which is held by the fork structure, is released. The objects in both publications are rotated but are still held by the fork structure after the release mechanisms has "released" the objects, i.e. the release mechanism will just enabled them to rotate.

Based on our arguments above, it should be clear that a ordinary skilled person in the art would not have been able to arrive at the claimed invention by combining any of the cited publication. It is therefore believed that the claimed invention, as defined in claim 1, is patentable.

Accordingly, the dependent claims are also believed to be patentable.